

**To:** Andrews, David[Andrews.David@epa.gov]; Negron, Jose[Negron.Jose@epa.gov]  
**Cc:** Francendese, Leo[Francendese.Leo@epa.gov]; Stilman, Terry[Stilman.Terry@epa.gov]; Andrew, Gary[Andrew.Gary@epa.gov]; Franco, Benjamin[Franco.Benjamin@epa.gov]; Kenneth Rhame[Rhame.Kenneth@epa.gov]  
**From:** Berry, Chuck  
**Sent:** Fri 1/10/2014 4:08:58 PM  
**Subject:** Re: West Virginia chemical spill cuts water to up to 300,000, state of emergency declared - U.S. News

Is this reporting to the NRC or to the Water Division?

Chuck Berry  
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Via Mobile Device  
404.859.0970  
Berry.chuck@epa.gov

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**From:** Andrews, David  
**Sent:** Friday, January 10, 2014 10:42:54 AM  
**To:** Negron, Jose  
**Cc:** Berry, Chuck; Francendese, Leo; Stilman, Terry; Andrew, Gary; Franco, Benjamin; Kenneth Rhame  
**Subject:** RE: West Virginia chemical spill cuts water to up to 300,000, state of emergency declared - U.S. News

jose, You win... Yours is the proper answer.... :-)

**From:** Negron, Jose  
**Sent:** Friday, January 10, 2014 10:25 AM  
**To:** Berry, Chuck; Francendese, Leo; R4 ERRB  
**Subject:** RE: West Virginia chemical spill cuts water to up to 300,000, state of emergency declared - U.S. News

If they have an NPDES permit which they should, they would be required to report under the Clean Water Act NPDES permit requirement which gives them authority to discharge x amount as part of their regular ops but need to report if they exceed as may happen with an uncontrolled release.

**From:** Berry, Chuck  
**Sent:** Friday, January 10, 2014 9:20 AM  
**To:** Francendese, Leo; R4 ERRB  
**Subject:** Re: West Virginia chemical spill cuts water to up to 300,000, state of emergency declared - U.S. News

Saw this last night on reddit. Chem isn't on hazardous substance list (I searched by CAS# but I might have missed it). What is their duty to report to NRC (which they didn't) if its only a "pollutant or contaminant" sans RQ?

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**From:** Francendese, Leo  
**Sent:** Friday, January 10, 2014 9:04:06 AM  
**To:** R4 ERRB  
**Subject:** Fw: West Virginia chemical spill cuts water to up to 300,000, state of emergency declared - U.S. News

fyi

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**From:** leofrancendese Ex. 6 - Personal Privacy  
**Sent:** Friday, January 10, 2014 7:57:28 AM  
**To:** Francendese, Leo  
**Subject:** West Virginia chemical spill cuts water to up to 300,000, state of emergency declared - U.S. News

[http://usnews.nbcnews.com/\\_news/2014/01/09/22245996-west-virginia-chemical-spill-cuts-water-to-up-to-300000-state-of-emergency-declared?lite](http://usnews.nbcnews.com/_news/2014/01/09/22245996-west-virginia-chemical-spill-cuts-water-to-up-to-300000-state-of-emergency-declared?lite)